146TH STREET COMMERCE CENTRE PUD DISTRICT

HERMAN & KITTLE PROPERTIES, INC.





PRESENTED BY

BAKER & DANIELS

REQUEST FOR A CHANGE OF ZONING FEBRUARY 8, 2010 COMMON COUNCIL INTRODUCTION

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146TH STREET COMMERCE CENTRE

Petitioner Erika Scott, Development Director

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146TH STREET COMMERCE CENTRE

Herman & Kittle Properties, Inc. ("H&K") respectfully submits its request for a change of zoning for its proposed \$4 million mixed-use redevelopment project (the "Centre"), proposed to be located on a 6.7-acre tract located on the north side of 146th Street, west of Gray Road (see attached aerial location map). The site currently includes an old vacant house and is bound by Setters Run to the west, a Duke Energy substation and retail uses to the east, the Bridgewater PUD to the north, and 146th Street to the south.

As proposed, the Centre will include two office buildings along the 146th Street frontage and storage facilities behind the office buildings. The office buildings will be marketed to local businesses, and the storage units will serve both the local business community and nearby residents.

H&K believes that its proposed redevelopment of this site includes uses that will be well-received in the marketplace and, as shown on the attached concept plan, provides a sound transition and buffer between Setters Run and the adjacent utility and commercial land uses. If approved, H&K plans to begin construction this year.

Thank you for your consideration.



EXISTING BUILDINGS

146TH STREET COMMERCE CENTRE

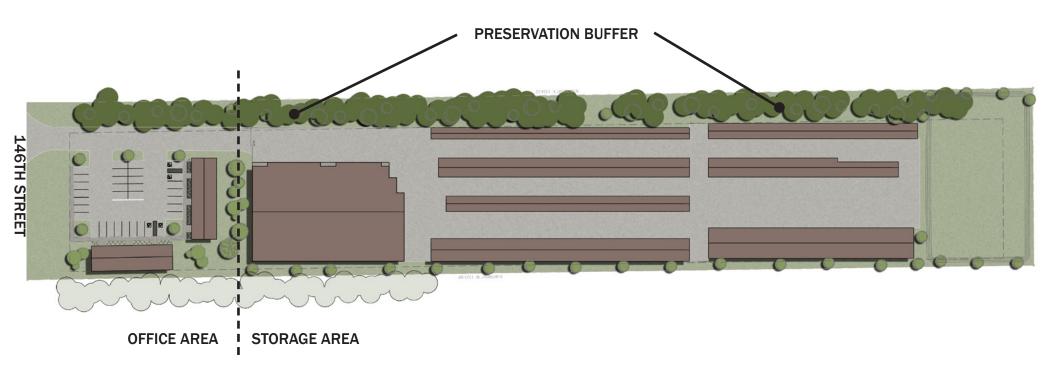






CONCEPTUAL SITE PLAN

146TH STREET COMMERCE CENTRE





ILLUSTRATIVE CHARACTER EXHIBIT

146TH STREET COMMERCE CENTRE



ILLUSTRATIVE OFFICE BUILDINGS







ILLUSTRATIVE STORAGE BUILDINGS





146TH STREET COMMERCE CENTRE PLANNED UNIT DEVELOPMENT DISTRICT

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This is an ordinance to amend the Westfield-Washington Township Zoning Ordinance (the "Zoning Ordinance") and the Westfield-Washington Township Zoning Map (the "Zoning Map") of the Town of Westfield, Washington Township, Hamilton County, Indiana, previously enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

WHEREAS , the Westfield-Washington Township Advisor Commission") has conducted a public hearing, as required by lay filed by Herman & Kittle Properties, Inc. (the "Developer") for a conduction of the conductio	w, in regard to the application
WHEREAS, under Docket Number	ation to the City of Westfield

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 This PUD District Ordinance (this "Ordinance") applies to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate").
- 1.2 The standards of the Zoning Ordinance applicable to the **GO General Office District** (the "GO District") shall apply to the development of the Real Estate, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Section (" $WC \S$ ") cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

- **Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance in effect on the date of the enactment of this Ordinance.
 - 2.1 <u>Concept Plan.</u> A general plan for the development of the Real Estate attached hereto as <u>Exhibit B</u>.
 - 2.2 <u>Director.</u> The person delegated the responsibility for the administration of the Zoning Ordinance's regulations, including the Director of Community Development's designees.
 - 2.3 <u>Façade, Primary</u>. A building facade that faces towards the Real Estate's west property line and/or 146th Street as shown on the exhibit attached hereto as Exhibit D.
 - 2.4 <u>Façade</u>, <u>Secondary</u>. Any building facade not defined as a Primary Façade.
 - 2.5 <u>Illustrative Character Exhibit.</u> A general representation of the intended architecture and character for the proposed development of the Real Estate attached hereto as Exhibit C.
 - 2.6 <u>Self-Storage Facility.</u> A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property. Facility shall include related accessory uses including, without limitation, any one or a combination of the following: (i) administrative offices; (ii) ancillary retail sales (e.g., moving and packing supplies); (iii) mail or delivery boxes; and (iv) any other facilities approved by the Director that compliment and are intended to serve such a facility.

Section 3. Permitted Uses. The following uses shall be permitted:

- 3.1 All uses permitted in the GO-General Office Zoning District.
- 3.2 Self-Storage Facility.
- 3.3 Accessory buildings and uses customarily incidental to any of the permitted uses.

Section 4. Development Standards.

4.1 <u>General Regulations</u>. The regulations of *WC § 16.04.050 Business Districts* applicable to the GO District shall apply except as follows:

- A. <u>Outside Storage</u>. No outside storage, vending machines or outside sales displays shall be permitted; however, the storage of automobiles, boats, trailers and recreational vehicles shall be permitted, but only for a Self-Storage Facility use that otherwise complies with the standards of this Ordinance.
- B. <u>Minimum Lot Area.</u> One (1) acre.
- C. <u>Minimum Lot Frontage</u>. Two hundred and thirty feet (230').
- D. Minimum Setback Lines.
 - (i) South Property Line of Real Estate: 60'
 - (ii) West Property Line of Real Estate: 40'
 - (iii) East Property Line of Real Estate: 10'
 - (iv) North Property Line of Real Estate: 60'
- E. <u>Ground Level Square Footage</u>. No minimum and no maximum.
- 4.2 <u>Off-Street Loading and Parking.</u> Shall be provided in accordance with the provisions of the Zoning Ordinance (WC § 16.04.120).
- 4.3 <u>Landscaping and Screening.</u> Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.06.010*); however, the Real Estate's buffer yards shall be as follows:
 - A. West Property Line. The Real Estate's west property line shall consist of a forty-foot (40') wide buffer yard from 146th Street to the Real Estate's north property line, as generally shown on the Concept Plan, that consists of the existing trees which shall be preserved in accordance with WC § 16.06.020 (the "Preservation Buffer"). The entrance into the Real Estate along 146th Street may encroach into the Preservation Buffer up to ten feet (10') subject to final engineering and design at the time of site plan approval. The Preservation Buffer shall satisfy any preservation requirements of the Zoning Ordinance for the Real Estate.
 - B. North Property Line. The Real Estate's north property line shall consist of a sixty-foot (60') wide buffer yard with plantings in accordance with WC § 16.06.060. This buffer yard may include storm water detention areas.

- C. <u>East Property Line.</u> The Real Estate's east property line shall consist of a ten-foot (10') wide buffer yard. Plantings shall be in accordance with *WC* § 16.06.060, with the exception that plantings shall not be required along the Real Estate's east property line between 146th Street and a point approximately four hundred and seventy feet (470') north because of the existing row of trees on the adjacent property.
- 4.4 <u>Sign Standards.</u> Shall be provided in accordance with the provisions of the Zoning Ordinance (WC § 16.08.010).
- 4.5 <u>Lighting.</u> Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC* § 16.07.010).
- 4.6 <u>Architectural Standards.</u> The regulations of *WC § 16.04.165 Development Plan Review* applicable to the GO District shall apply except for those sections modified and/or enhanced by this Ordinance.
 - A. All buildings shall be designed with respect to the general character of the Real Estate, and particularly, with consideration to the buildings located on lots that abut the Real Estate. The Illustrative Character Exhibit provides a general representation of the intended architecture and character for the Real Estate.

B. <u>Building Orientation</u>.

- (i) No loading spaces or loading docks shall be permitted to face a public street or adjoining Residential District.
- (ii) No outside storage shall be permitted between an established building line and the public right-of-way or an adjoining Residential District.
- (iii) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

C. Primary Façade Building Materials.

- (i) All Primary Facades on new buildings or building additions for the Real Estate shall use brick as the primary exterior building material as shown by the Illustrative Character Exhibit.
- (ii) The use of accent and trim elements (e.g., accent panels, banding, cornices, canopies, awnings) for building trim is encouraged to add visual interest and break down the scale of façades.

- (iii) Permitted building trim and secondary exterior building materials may include: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) precast concrete panels, tile (ceramic or porcelain), architectural block (textured) and EIFS (Dryvit) wall systems. In addition, steel shall be permitted but limited to roof gables only for Primary Facades.
- (iv) Primary Facades are encouraged to incorporate multiple colors and multiple textures (e.g., rough, smooth, striated).
- (v) Colors used on Secondary Facades must be complementary.
 Natural, muted colors should serve as the secondary façade color, with brighter colors used as limited accents.

D. <u>Secondary Façade Building Materials</u>.

- (i) The following materials shall be permitted for Secondary Facades: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) pre-cast concrete panels, tile (ceramic or porcelain), architectural block (textured) and EIFS (Dryvit) wall systems, steel and/or aluminum curtain wall systems.
- (ii) Colors used on Secondary Facades must be complementary.
 Natural, muted colors should serve as the secondary façade color, with brighter colors used as limited accents.

E. Roof Design.

- (i) Roofing materials shall be either standing seam metal or dimensional shingle.
- (ii) All roofs must incorporate appropriately sloped roofs, tall parapets or screen walls to architecturally conceal any roof-mounted equipment.
- (iii) Rooftop equipment screens and rooftop penetrations (vents) shall be of a color compatible with the overall building or roof color (not an accent color).
- F. <u>Dumpsters.</u> Dumpsters shall not be located in the front of any building. Dumpster that are not located with an enclosed storage area shall be completely screened by materials that: (i) match the architecture and materials of the building which the dumpster is serving; and (ii) measure six feet (6') in height or two feet (2') above the height of the dumpster, whichever is greater.
- G. <u>Overhead Doors.</u> No overhead doors shall be oriented towards the public right-of-way or towards the perimeter of the Real Estate. All overhead

doors shall be oriented towards the interior of the site, as generally illustrated by the Concept Plan and prohibited on Primary Facades.

Section 5. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this Twelfth day of April, Two Thousand and Ten.

COMMON COUNCIL OF THE CITY OF WESTFIELD

AYE		NAY
	Tom Smith, President John Dippel, Vice President	
	Steve Hoover	
	Robert Horkay	
	Ken Kingshill	
	Bob Smith	
	Rob Stokes	·
Approved and signed by th thisday of		estfield, Hamilton County, Indiana
	•	ok, Mayor Vestfield, IN
ATTEST		
Cindy Gossard, Clerk Treasurer		

This Instrument prepared by: Steven D. Hardin, Esq., Baker & Daniels, LLP Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240 | (317) 569-9600

EXHIBIT A REAL ESTATE

Legal Description 4420 East 146th Street

A part of the West Half of the Southeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East; thence northerly on the West line of said Quarter-Quarter a distance of 1320 feet, more or less to the Northwest corner of said Quarter-Quarter; thence easterly on the North line of said Quarter-Quarter a distance of 230 feet, more or less, to the Northwest corner of the real estate described in the Deed Book 329, Page 695 (Carmel 146th Street Substation) in the Office of the Recorder of Hamilton County, Indiana; thence southerly on the West line of said real estate a distance of 1320 feet, more or less, to the Southwest corner of said real estate, said point also being on the South line of said Quarter-Quarter; thence westerly on said South line a distance of 230 feet, more or less, to the point of beginning, containing 7 acres, more or less.

EXCEPT:

A part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way line depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "A" in Instrument recorded as Instrument Number 2000-024018, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of said Quarter-Quarter Section; thence North 00 degrees 08 minutes 41 seconds East 16.501 meters (54.14 feet) along the West line of said Quarter-Quarter Section to point "401" designated on plat recorded as Instrument Number 2000-024081, in the Office of the Recorder of Hamilton County, Indiana; thence parallel to the South line of said Quarter-Quarter Section South 89 degrees 22 minutes 12 seconds East 70.964 meters (231.94 feet) to point "402" designated on plat recorded as Instrument Number 2000-024081, in the Office of the Recorder of Hamilton County, Indiana and the East line of the grantor's land; thence South 00 degrees 09 minutes 37 seconds West 16.501 meters (54.14 feet) along said East line to the South line of said Quarter-Quarter Section; thence North 89 degrees 22 minutes 12 seconds West 70.690 meters (231.92 feet) to the point of beginning and containing 0.1166 hectares (0.288 acres), more or less, inclusive of the presently existing right-of-way which contains 0.0355 hectares (0.088 acres), more or less.

EXHIBIT B CONCEPT PLAN

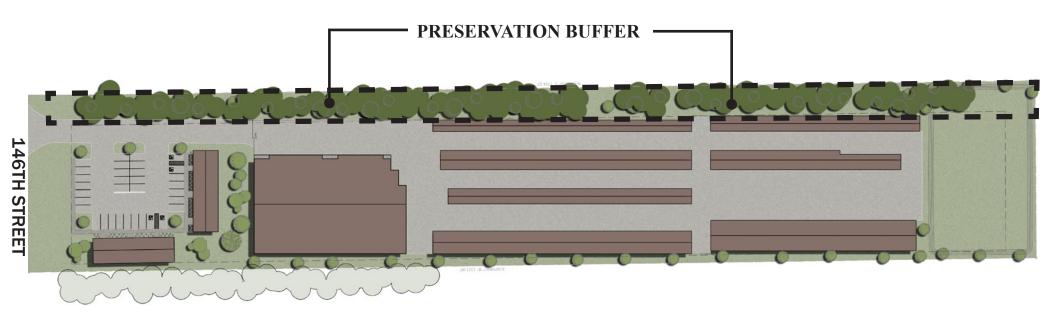




EXHIBIT C ILLUSTRATIVE CHARACTER EXHIBIT

ILLUSTRATIVE OFFICE BUILDINGS





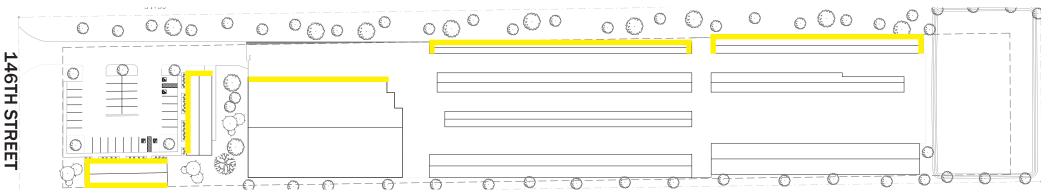
EXHIBIT C ILLUSTRATIVE CHARACTER EXHIBIT

ILLUSTRATIVE STORAGE BUILDINGS





EXHIBIT D PRIMARY FACADES



PRIMARY FACADES

